

REMARKS

Applicant has amended the claims 9, 10, 11 and 14. Applicant respectfully submits that these amendments to the claims are for the purpose of clarifying the claims, are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the claim 14 as being of improper dependent form. Applicant has amended the claim 14 to be dependent upon the claim 9. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner has rejected the claims 9 through 14 under 35 USC 112, second paragraph as being indefinite. In view of the amendments to the claims, Applicant respectfully submits that the claims 9 through 14 now comply with the requirements of 35 USC 112, second paragraph.

The Examiner has rejected the claims 9 through 10 and 14 under 35 USC 102 as being anticipated by Brown stating that Brown teaches a maintenance apparatus 30 for a medical handpiece 10 with a chucking structure for detachably chucking a holding rotary tool along an axis and a bearing for rotatively supporting the chucking structure along the axis comprising a maintenance fluid supply nozzle fluidly connected to a second fluid supply, the design of the nozzle is capable of being detachably connected in the chucking structure in place of the rotary tool so that the maintenance fluid is fed through the nozzle into the chucking structure as shown in Figure 4, but does not specifically teach the device functioning as claimed; however it is the Examiner's opinion that the nozzle connected to the fluid supply 30 is capable of being detachably connected to the chucking structure therefore the claim and limitations are met.

In reply to this rejection, Applicant would like to incorporate by reference his comments made in Applicant's response filed June 29, 2009 and September 12, 2008. Still further, Applicant's careful review of Brown indicates that it merely discloses applying lubricating oil to the rotating portions of the handpiece by using capsules 20 or 30, as is clearly shown in Figures 2 and 4. Also, Applicant respectfully submits that in Applicant's invention as claimed by claim 9 the maintenance fluid supply nozzle fluidly connected to a second fluid supply which is detachably connected to a chucking structure of the handpiece in place of the rotary tool so that the maintenance fluid is fed through the nozzle and into the

chucking structure. Applicant respectfully submits that as is shown in the Figure 2 of Brown the lubricating oil from the capsule 20 is dropped into the main air hole 11 and there is no suggestion, teaching or showing of a coupling thereto, detachable or otherwise. Still further, in Figure 4 of Brown, Applicant respectfully submits that it shows lubricating oil dropped from an capsule 30 onto the chucking structure with the rotary tool still provided in the chucking structure. Accordingly, Applicant respectfully submits that Brown clearly shows that the capsule 30 is not detachably coupled to the chucking structure in place of the rotary tool and is not capable of such an action since the rotary tool is still in the chucking structure as is shown in Figure 4. Therefore, Applicant respectfully submits that Brown does not disclose each and every element of Applicant's invention as claimed and the claims 9 through 10 and 14 are not anticipated by Brown.

The Examiner has rejected the claims 9 through 12 and 14 under 35 USC 103 as being obvious over Hoffman stating that Hoffman teaches a maintenance apparatus comprising a maintenance fluid supply nozzle 248 capable of being fluidly connected to a second fluid supply, the supply nozzle being capable of being detachably connected to a chucking structure in place of a rotary tool so that a maintenance fluid is fed through a nozzle into the chucking structure and further teaches a first fluid supply capable of feeding the maintenance fluid to a bearing of a handpiece, a connector 52 which is designed to be detachably connected to the handpiece, the connector having a feeding passage 42 of the first fluid supply capable of feeding the maintenance fluid through the first feeding passage to a bearing of a handpiece and a feeding passage 55 of the second fluid supply capable of feeding the maintenance fluid through the nozzle of the chucking structure.

Applicant has carefully reviewed Hoffman and respectfully submits that Hoffman does not teach that which the Examiner suggests it does.

In particular, Hoffman teaches that one would first connect an intermediate adapter 210 to the distal end of the handpiece so as to feed a clean air supply to the air supply and discharge passages of the handpiece. Clearly the spray container 300 is connected via a tube 348 and special connectors so as to connect to the conduits 238 and 288 via special connectors to the adapter 210. In addition, Applicant respectfully submits that in all cases Hoffman teaches and shows particularly in Figures 6 and 9 that the rotary tool 104 is still provided in the chuck. In addition, Applicant respectfully submits that not only does the

device of Hoffman not teach that the fluid lines 248 could be connected to the chucking device with the rotary tool removed, but also is incapable of doing so since the adapter 210 or the connectors on the tube 248 could not be detachably connected to the chucking device.

In view of the above, therefore, Applicant respectfully submits that Hoffman does not teach each and every element of Applicant's invention and the claims 9 through 12 and 14 are not anticipated thereby.

The Examiner has rejected the claim 13 under 35 USC 103 as being obvious over Hoffman in view of De Rocchis et al. stating that Hoffman teaches the invention substantially as claimed except for a nozzle having a hole for injecting the maintenance fluid in the form of a mist; De Rocchis et al. teaches a nozzle having a hole for injecting a maintenance fluid in the form of a mist; and it would have been obvious to one of ordinary skill in the art to modify Hoffman in view of the teachings of De Rocchis et al.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning De Rocchis et al. and Applicant's invention as well as Applicant's comments in Applicant's response of June 29, 2009 and September 12, 2008. Still further, Applicant has carefully reviewed De Rocchis et al. and respectfully submits that De Rocchis et al. discloses a mechanical maintenance device in which solutions are fed from the proximal end of the handpiece as shown in Figures 1 and 3B. Clearly De Rocchis et al. does not disclose that the nozzle would be inserted into the chucking structure and in Figure 3B only shows the detachable connection to the proximal end of the handpiece. As for the misting device, the misting device only sprays disinfectant on the outside of the handpiece and does not disclose injecting the maintenance fluid into one of the holes in the form of a mist (see column 10 of De Rocchis et al.).


In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention and the claim 13 is not obvious over Hoffman in view of De Rocchis et al.

Applicant further respectfully and retroactively requests a one (1) month extension of time to respond to the Office Action and respectfully requests that the additional extension fee in the amount of \$130.00 (Fee Code: 1251) be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

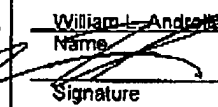
In view of the above, therefore, it is respectfully requested that this amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

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<u>William L. Androlia</u> Name	
 Signature	<u>12/29/2009</u> Date